

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Monroe R. Parker, Jr.,)	
)	C/A No. 4:07-0287-MBS
Plaintiff,)	
)	
vs.)	
)	
Southern Health Partners; Phillip A. Foot;)	O R D E R
C.E. Allen; P.J. Tanner; Sgt. R. Edwards,)	
Jr.,)	
)	
Defendants.)	
_____)	

At the time of the underlying events, Plaintiff Monroe R. Parker, Jr. was a pretrial detainee housed at the Beaufort County Detention Center in Beaufort, South Carolina. On January 30, 2007, Plaintiff, proceeding pro se, filed the within complaint pursuant to 42 U.S.C. § 1983, asserting that he was denied adequate medical care and access to the courts, in violation of his constitutional rights. He also asserted state law claims.

This matter is before the court on motion for summary judgment filed by Defendant Southern Health Partners, Inc. on May 11, 2007. On May 16, 2007, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedures and the possible consequences if he failed to respond adequately. A motion for summary judgment filed by Defendants Foot, Allen, Tanner, and Edwards on June 13, 2007 is also before the court. A second Roseboro order was issued on June 14, 2007. Plaintiff filed a response to Defendant Southern Health Partners, Inc.'s motion on June 18, 2007. On July 30, 2007, Plaintiff filed a response to the motion for summary judgment of Defendants Foot, Allen, Tanner, and Edwards.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On January 15, 2008,

the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants' motions for summary judgment be granted, that Plaintiff's state law claims be dismissed, and that all other pending motions be deemed moot. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. Defendants' motions for summary judgment (Entries 27, 38) are **granted**. Plaintiff's remaining motions (Entries 15, 67) are **denied as moot**. Plaintiff's state law claims are dismissed, without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
February 20, 2008

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.